

Appl. No. 09/965,175  
Attachment to Amendment  
Reply to Office Action of July 29, 2003

PATENT

**Certificate of Mailing by Express Mail**  
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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to:  
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Depositor's Name: Margaret A. Connor

Depositor's Signature: *Margaret A. Connor*

Appl. No.	:	09/965,175	Confirmation No. 3943
Applicant	:	Linda S. Thomashow et al.	
Filed	:	September 27, 2001	
TC/A.U.	:	1652	
Examiner	:	Charles L. Patterson Jr.	
Docket No.	:	0229.99	
Customer No.	:	25278	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF DEPOSIT OF BIOLOGICAL MATERIAL**  
**IN ACCORDANCE WITH 35 U.S.C. 112**

Linda S. Thomashow declares as follows:

She is a joint inventor with Shannon M. Delaney, Dmitri Mavrodi, and David M. Weller of the subject matter described and claimed in the above-identified application.

**Statement of Deposit**

Plasmids identified below were introduced into the designated host strains and the transformed strains were deposited under terms of the Budapest Treaty with Agricultural Research Service Culture Collection (NRRL) National Center for Agricultural Utilization Research, Agricultural Research Service, U.S. Department of Agriculture, 1815 North University Street, Peoria, Illinois 61604 USA on the date listed and given the following accession numbers:

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<u>Host</u>	<u>Plasmid</u>	<u>Accession No.</u>	<u>Date of Deposit</u>
<i>E. coli</i> JM109	pUC2.9XP, clone 12	NRRL B-30341	10/06/2000
<i>E. coli</i> JM109	pUC2.9XP, clone 16	NRRL B-30342	10/06/2000
<i>P. fluorescens</i> 2-79	pUC2.9XP, clone 12	NRRL B-30343	10/06/2000
<i>P. fluorescens</i> 2-79	pUC2.9XP, clone 12	NRRL B-30344	10/06/2000
<i>E. coli</i> JM 109	pGEM-PHZO	NRRL B-30345	10/11/2000
<i>E. coli</i> JM109	pGEM-PHZO	NRRL B-30346	10/11/2000

The depository affords permanence of the deposits and ready accessibility thereto by the public if a patent is granted, under conditions which assure (a) that access to the cultures will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 CFR 1.14 and 35 U.S.C. 122, and (b) that all restrictions, if any, on the availability to the public of the cultures so deposited will be irrevocably removed upon the granting of a patent. Copies of the NRRL deposit receipts and viability statements are attached.

The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed October 27, 2003 Linda S. Thomashow  
LINDA S. THOMASHOW

Enclosures:  
NRRL Budapest Treaty Deposit Receipts  
NRRL Budapest Treaty Viability Statements

**BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSE OF PATENT PROCEDURES**

INTERNATIONAL FORM

TO  
 USDA, ARS  
 Lab 36 Johnson Hall  
 Washington State University  
 Pullman, WA 99164-6430

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
 issued pursuant to Rule 7.1 by the  
 INTERNATIONAL DEPOSITORY AUTHORITY  
 identified at the bottom of this page

**NAME AND ADDRESS  
OF DEPOSITOR**

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the DEPOSITOR:	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:
<i>Escherichia coli JM109p2.9xp-12</i>	<i>NRRL B-30341</i>
<b>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified under I. above was accompanied by:	
<input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation <small>(Mark with a cross where applicable)</small>	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on October 6, 2000(date of the original deposit) <sup>1</sup>	
<b>IV. RECEIPT OF REQUEST FOR CONVERSION</b>	
The microorganism identified under I. above was received by this International Depositary Authority on _____ (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion).	
<b>V. INTERNATIONAL DEPOSITORY AUTHORITY</b>	
Name : Agricultural Research Culture Collection (NRRL) International Depositary Authority	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): <i>J. Deasy</i>
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date: 10-24-00

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

**BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
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**NAME AND ADDRESS  
OF DEPOSITOR**

**I. IDENTIFICATION OF THE MICROORGANISM**

Identification reference given by the DEPOSITOR:	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:
<i>Escherichia coli JM109p2.9xP-16</i>	NRRL B-30342

**II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION**

The microorganism identified under I. above was accompanied by:

- a scientific description  
 a proposed taxonomic designation

(Mark with a cross where applicable)

**III. RECEIPT AND ACCEPTANCE**

This International Depository Authority accepts the microorganism identified under I. above, which was received by it on October 6, 2000(date of the original deposit)<sup>1</sup>

**IV. RECEIPT OF REQUEST FOR CONVERSION**

The microorganism identified under I. above was received by this International Depository Authority on (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).

**V. INTERNATIONAL DEPOSITORY AUTHORITY**

Name: Agricultural Research Culture Collection (NRRL) International Depository Authority	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):  <i>J. Sengen</i>
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date: 10-24-00

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of international depository authority was acquired.

**BUDAPEST TREATY ON THE INTERNATIONAL  
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 Pullman, WA 99164-6430

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 INTERNATIONAL DEPOSITORY AUTHORITY  
 identified at the bottom of this page**

**NAME AND ADDRESS  
 OF DEPOSITOR**

**I. IDENTIFICATION OF THE MICROORGANISM**

Identification reference given by the  
**DEPOSITOR:**

*Pseudomonas fluorescens* 2-79p2.9xP-  
 12(1)

Accession number given by the  
**INTERNATIONAL DEPOSITORY AUTHORITY:**

NRRL B-30343

**II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION**

The microorganism identified under I. above was accompanied by:

a scientific description

a proposed taxonomic designation

(Mark with a cross where applicable)

**III. RECEIPT AND ACCEPTANCE**

This International Depository Authority accepts the microorganism identified under I. above, which was received by it on October 6, 2000 (date of the original deposit)<sup>1</sup>

**IV. RECEIPT OF REQUEST FOR CONVERSION**

The microorganism identified under I. above was received by the International Depository Authority on: (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).

**V. INTERNATIONAL DEPOSITORY AUTHORITY**

Name: Agricultural Research Culture  
 Collection (NRRL)  
 International Depository Authority

Signature(s) of person(s) having the power  
 to represent the International Depository  
 Authority or of authorized official(s):

Address: 1815 N. University Street  
 Peoria, Illinois 61604 U.S.A.

Date:

*J. Dwyer*  
 10-24-00

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of international depository authority was acquired.

**BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
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TO  
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 Washington State University  
 Pullman, WA 99164-6430

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
 issued pursuant to Rul 7.1 by the  
 INTERNATIONAL DEPOSITORY AUTHORITY  
 identified at the bottom of this page

**NAME AND ADDRESS  
OF DEPOSITOR**

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the <b>DEPOSITOR:</b>  <i>Pseudomonas fluorescens 2-79p2.9xP-12(2)</i>	Accession number given by the <b>INTERNATIONAL DEPOSITORY AUTHORITY:</b>  <i>NRRL B-30344</i>
<b>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified under I. above was accompanied by: <input type="checkbox"/> a scientific description  <input checked="" type="checkbox"/> a proposed taxonomic designation  (Mark with a cross where applicable)	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This International Depository Authority accepts the microorganism identified under I. above, which was received by it on October 6, 2000(date of the original deposit) <sup>1</sup>	
<b>IV. RECEIPT OF REQUEST FOR CONVERSION</b>	
The microorganism identified under I. above was received by this International Depository Authority on _____ (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion).	
<b>V. INTERNATIONAL DEPOSITORY AUTHORITY</b>	
Name: Agricultural Research Culture Collection (NRRL) International Depository Authority	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):  <i>J. Shantz</i>
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date: 10-24-00

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of international depository authority was acquired.

**BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
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**INTERNATIONAL FORM**

**TO**  
 USDA, ARS  
 Lab 36 Johnson Hall  
 Washington State University  
 Pullman, WA 99164-6430

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT**  
 issued pursuant to Rule 7.1 by the  
**INTERNATIONAL DEPOSITORY AUTHORITY**  
 identified at the bottom of this page

**NAME AND ADDRESS  
OF DEPOSITOR**

**I. IDENTIFICATION OF THE MICROORGANISM**

Identification reference given by the DEPOSITOR:	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:
<i>Escherichia coli JM109(pGEM-PH20)</i>	<i>NRRL B-30345</i>

**II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION**

The microorganism identified under I. above was accompanied by:

- a scientific description  
 a proposed taxonomic designation

(Mark with a cross where applicable)

**III. RECEIPT AND ACCEPTANCE**

This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on October 11, 2000(date of the original deposit)<sup>1</sup>

**IV. RECEIPT OF REQUEST FOR CONVERSION**

The microorganism identified under I. above was received by this International Depositary Authority on (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).

**V. INTERNATIONAL DEPOSITORY AUTHORITY**

Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  <i>J. Augy</i>
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date: 10-24-00

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

**BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSE OF PATENT PROCEDURES**

**INTERNATIONAL FORM**

**TO**  
 USDA, ARS  
 Lab 36 Johnson Hall  
 Washington State University  
 Pullman, WA 99164-6430

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT**  
 issued pursuant to Rule 7.1 by the  
**INTERNATIONAL DEPOSITORY AUTHORITY**  
 identified at the bottom of this page

**NAME AND ADDRESS  
OF DEPOSITOR**

**I. IDENTIFICATION OF THE MICROORGANISM**

Identification reference given by the DEPOSITOR:	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:
<i>Escherichia coli JM109(pGEM-PH20(2))</i>	<i>NRRL B-30346</i>

**II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION**

The microorganism identified under I. above was accompanied by:

a scientific description

a proposed taxonomic designation

(Mark with a cross where applicable)

**III. RECEIPT AND ACCEPTANCE**

This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on October 11, 2000(date of the original deposit)<sup>1</sup>

**IV. RECEIPT OF REQUEST FOR CONVERSION**

The microorganism identified under I. above was received by this International Depositary Authority on (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).

**V. INTERNATIONAL DEPOSITORY AUTHORITY**

Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):
--	--

Address: 1815 N. University Street  
Peoria, Illinois 61604 U.S.A.

Date:

*J. Jones  
10-24-00*

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT  
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES**

**INTERNATIONAL FORM**

TO

USDA, ARS  
Lab 36 Johnson Hall  
Washington State University  
Pullman, WA 99164-6430

**VIABILITY STATEMENT**

issued pursuant to Rule 10.2 by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM  
THE VIABILITY STATEMENT IS ISSUED

<b>I. DEPOSITOR</b>	<b>II. IDENTIFICATION OF THE MICROORGANISM</b>
Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430	Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: <i>Escherichia coli</i> ATCC 83341
<b>III. (a) VIABILITY STATEMENT</b>	Date of: October 6, 2000 <input checked="" type="checkbox"/> <sup>2</sup> Original Deposit <input type="checkbox"/> <sup>2</sup> New Deposit <input type="checkbox"/> <sup>2</sup> Repropagation of Original Deposit
Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 7, 2000 (Date)  International Depository Authority's preparation was found viable on October 23, 2000 (Date) <sup>3</sup>	
<b>III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION</b>	
Depositor determined the International Depository Authority's preparation was  <input checked="" type="checkbox"/> <sup>2</sup> Equivalent <input type="checkbox"/> <sup>2</sup> Not equivalent to deposit on <u>November 16, 2000</u> (Date)	
Signature of Depositor <u>Yedda S. Monachow</u>	
<b>IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depository)</b>	
<b>V. INTERNATIONAL DEPOSITORY AUTHORITY</b>	
Name: Agricultural Research Culture Collection (NRRL) International Depository Authority  Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):  <i>J. Drury</i> Date: <u>10-24-00</u>

<sup>1</sup> Indicate the date of the original deposit or when a new deposit has been made.

<sup>2</sup> Mark with a cross the applicable box.

<sup>3</sup> In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

<sup>4</sup> Fill in if the information has been requested.

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT  
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES**

INTERNATIONAL FORM

**TO**

USDA, ARS  
 Lab 36 Johnson Hall  
 Washington State University  
 Pullman, WA 99164-6430

**VIABILITY STATEMENT**

Issued pursuant to Rule 10.2 by the  
 INTERNATIONAL DEPOSITORY AUTHORITY  
 identified at the bottom of this page

**NAME AND ADDRESS OF THE PARTY TO WHOM  
THE VIABILITY STATEMENT IS ISSUED**

<b>I. DEPOSITOR</b>	<b>II. IDENTIFICATION OF THE MICROORGANISM</b>
Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430	Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: <del>Saccharomyces cerevisiae NRRL B-30342</del>
Date of: October 6, 2000 <input checked="" type="checkbox"/> <sup>2</sup> Original Deposit <input type="checkbox"/> <sup>2</sup> New Deposit <input type="checkbox"/> <sup>2</sup> Repropagation of Original Deposit	
<b>III. (a) VIABILITY STATEMENT</b>	
Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 7, 2000 (Date) International Depository Authority's preparation was found viable on October 23, 2000 (Date) <sup>3</sup>	
<b>III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION</b>	
Depositor determined the International Depository Authority's preparation was <input checked="" type="checkbox"/> <sup>2</sup> Equivalent <input type="checkbox"/> <sup>2</sup> Not equivalent to deposit on <u>November 16, 2000</u> (Date) Signature of Depositor <u>Stephen J. Thomasow</u>	
<b>IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED</b> Depositors/Depository <sup>4</sup>	
<b>V. INTERNATIONAL DEPOSITORY AUTHORITY</b>	
Name: Agricultural Research Culture Collection (NRRL) International Depository Authority  Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):  <i>J. J. Dugay</i> Date: 10-24-00

<sup>1</sup> Indicate the date of the original deposit or when a new deposit has been made.

<sup>2</sup> Mark with a cross the applicable box.

<sup>3</sup> In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

<sup>4</sup> Fill in if the information has been requested.

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT  
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**INTERNATIONAL FORM**

TO

USDA, ARS  
Lab 36 Johnson Hall  
Washington State University  
Pullman, WA 99164-6430

**VIABILITY STATEMENT**

issued pursuant to Rule 10.2 by the  
**INTERNATIONAL DEPOSITORY AUTHORITY**  
identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM  
THE VIABILITY STATEMENT IS ISSUED

<b>I. DEPOSITOR</b>	<b>II. IDENTIFICATION OF THE MICROORGANISM</b>
Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430	Depositor's taxonomic designation and accession number given by the <b>INTERNATIONAL DEPOSITORY AUTHORITY:</b> <i>Pseudomonas fluorescens</i> ATCC 15351
<b>III. (a) VIABILITY STATEMENT</b>	Date of: October 6, 2000 <input checked="" type="checkbox"/> <sup>1</sup> Original Deposit <input type="checkbox"/> <sup>2</sup> New Deposit <input type="checkbox"/> <sup>3</sup> Repropagation of Original Deposit
<b>III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION</b>	Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 7, 2000 (Date)  International Depository Authority's preparation was found viable on October 23, 2000 (Date) <sup>3</sup>
<b>IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depository)</b>	
<b>V. INTERNATIONAL DEPOSITORY AUTHORITY</b>	
Name: Agricultural Research Culture Collection (NRRL) International Depository Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s): <i>J. Dray</i> Date: 10-27-00

<sup>1</sup> Indicate the date of the original deposit or when a new deposit has been made.

<sup>2</sup> Mark with a cross the applicable box.

<sup>3</sup> In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

<sup>4</sup> Fill in if the information has been requested.

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT  
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES**

**INTERNATIONAL FORM**

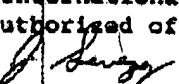
**TO**

USDA, ARS  
 Lab 36 Johnson Hall  
 Washington State University  
 Pullman, WA 99164-6430

**VIABILITY STATEMENT**

issued pursuant to Rule 10.2 by the  
**INTERNATIONAL DEPOSITORY AUTHORITY**  
 identified at the bottom of this page

**NAME AND ADDRESS OF THE PARTY TO WHOM  
 THE VIABILITY STATEMENT IS ISSUED**

<b>I. DEPOSITOR</b>		<b>II. IDENTIFICATION OF THE MICROORGANISM</b>
Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430		Depositor's taxonomic designation and accession number given by the <b>INTERNATIONAL DEPOSITORY AUTHORITY:</b> <del>Pseudomonas fluorescens</del> ATCC 10130
		Date of: October 6, 2000 <input checked="" type="checkbox"/> <sup>2</sup> Original Deposit <input type="checkbox"/> <sup>2</sup> New Deposit <input type="checkbox"/> <sup>2</sup> Repropagation of Original Deposit
<b>III. (a) VIABILITY STATEMENT</b>		
Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 7, 2000 (Date) International Depository Authority's preparation was found viable on October 23, 2000 (Date)		
<b>III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION</b>		
Depositor determined the International Depository Authority's preparation was <input checked="" type="checkbox"/> <sup>2</sup> Equivalent <input type="checkbox"/> <sup>2</sup> Not equivalent to deposit on <u>November 16, 2000</u> (Date) Signature of Depositor <u>Kenneth Thompson</u>		
<b>IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depository)</b>		
<b>V. INTERNATIONAL DEPOSITORY AUTHORITY</b>		
Name: Agricultural Research Culture Collection (NRRL) International Depository Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):  Date: <u>10-24-00</u>	

<sup>1</sup> Indicate the date of the original deposit or when a new deposit has been made.

<sup>2</sup> Mark with a cross the applicable box.

<sup>3</sup> In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

<sup>4</sup> Fill in if the information has been requested.

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT  
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES**

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**TO**

USDA, ARS  
Lab 36 Johnson Hall  
Washington State University  
Pullman, WA 99164-6430

**VIABILITY STATEMENT**

Issued pursuant to Rule 10.2 by the  
**INTERNATIONAL DEPOSITORY AUTHORITY**  
identified at the bottom of this page

**NAME AND ADDRESS OF THE PARTY TO WHOM  
THE VIABILITY STATEMENT IS ISSUED**

<b>I. DEPOSITOR</b>	<b>II. IDENTIFICATION OF THE MICROORGANISM</b>
Name: USDA, ARS Address: Lab 36 Johnson Hall Address: Washington State University Address: Pullman, WA 99164-6430	Depositor's taxonomic designation and accession number given by the <b>INTERNATIONAL DEPOSITORY AUTHORITY</b> : <i>Escherichia coli</i> NRRL B-30345
<b>III. (a) VIABILITY STATEMENT</b>	Date of: October 11, 2000 <input checked="" type="checkbox"/> <input type="checkbox"/> Original Deposit <input type="checkbox"/> <input type="checkbox"/> New Deposit <input type="checkbox"/> <input type="checkbox"/> Repropagation of Original Deposit
Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 12, 2000 (Date) International Depository Authority's preparation was found viable on October 23, 2000 (Date)*	
<b>III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION</b>	Depositor determined the International Depository Authority's preparation was <input checked="" type="checkbox"/> <input type="checkbox"/> Equivalent <input type="checkbox"/> <input type="checkbox"/> Not equivalent to deposit on <u>November 16, 2000</u> (Date)
Signature of Depositor <u>Lynda J. Thompson</u>	
<b>IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depository)</b>	
<b>V. INTERNATIONAL DEPOSITORY AUTHORITY</b>	
Name: Agricultural Research Culture Collection (NRRL) International Depository Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s): <u>J. Murphy</u> 10-24-00

\* Indicate the date of the original deposit or when a new deposit has been made.

\* Mark with a cross the applicable box.

\* In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

\* Fill in if the information has been requested.

**SOPHIA TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT  
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES**

**INTERNATIONAL FORM**

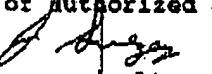
**TO**

USDA, ARS  
 Lab 36 Johnson Hall  
 Washington State University  
 Pullman, WA 99164-6430

**VIABILITY STATEMENT**

issued pursuant to Rule 10.2 by the  
 INTERNATIONAL DEPOSITORY AUTHORITY  
 identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM  
 THE VIABILITY STATEMENT IS ISSUED

<b>I. DEPOSITOR</b>		<b>II. IDENTIFICATION OF THE MICROORGANISM</b>
Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430		Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: <i>Escherichia coli</i> NRRL B-30346
		Date of: October 13, 2000 <input checked="" type="checkbox"/> <sup>1</sup> Original Deposit <input type="checkbox"/> <sup>2</sup> New Deposit <input type="checkbox"/> <sup>3</sup> Repropagation of Original Deposit
<b>III. (a) VIABILITY STATEMENT</b>		
Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 12, 2000 (Date) International Depository Authority's preparation was found viable on October 23, 2000 (Date) <sup>1</sup>		
<b>III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION</b>		
Depositor determined the International Depository Authority's preparation was <input checked="" type="checkbox"/> <sup>2</sup> Equivalent <input type="checkbox"/> <sup>3</sup> Not equivalent to deposit on <u>November 16, 2000</u> (Date)		
Signature of Depositor <u>Linda S Komachow</u>		
<b>IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositors/Depository)</b>		
<b>V. INTERNATIONAL DEPOSITORY AUTHORITY</b>		
Name: Agricultural Research Culture Collection (NRRL) International Depository Authority  Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):  Date: <u>10-24-00</u>	

<sup>1</sup> Indicate the date of the original deposit or when a new deposit has been made.

<sup>2</sup> Mark with a cross the applicable box.

<sup>3</sup> In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

<sup>\*</sup> Fill in if the information has been requested.